

NON-EXEMPT

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# HAVANT BOROUGH COUNCIL

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## DEVELOPMENT MANAGEMENT COMMITTEE

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1 October 2020

### DEVELOPMENT MANAGEMENT COMMITTEE DEPUTATIONS SCHEME

#### FOR DECISION

Portfolio Holder: Cllr Gary Hughes

Key Decision: No

Report Number: *HBC/17/2020*

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#### 1. Purpose

- 1.1. The Committee is asked to consider changes to the deputations scheme for the Development Management Committee.

#### 2. Recommendation

- 2.1. That the scheme for deputations attached at Appendix A be adopted.

#### 3. Executive Summary

- 3.1. This report has been requested by the Chairman of the Development Management Committee to consider options for amending the current deputation scheme.

#### 4. Additional Budgetary Implications

- 4.1 There are no additional funding requirements or costs arising directly from the recommendations set out in this report.

#### 5. Background and relationship to Corporate Strategy and/or Business Plans

##### 5.1 Background

5.1.1 The Council has established a deputation procedure whereby residents, applicants, ward councillors and county councillors and other interested parties may address the Development Management Committee. The primary intention of this scheme is to complement the formal consultation processes by enabling parties to bring to the Committee's attention concerns already raised during the statutory consultation process. Although this scheme is discretionary, it has been in practice for such a considerable time that it has given rise to a legitimate expectation that it will continue.

## 5.2 **Relationship to the Corporate Strategy and/or Business Plans**

5.2.1 This procedure accords with the Council's aim for public service excellence.

## 5.3 **Design of the Deputations Scheme for the Development Management Committee**

5.3.1 Good practice, following research in other schemes and protocols, suggests the following procedures should be followed when designing a deputation scheme for planning matters:

- Where possible all parties should be given a fair and reasonable opportunity to submit a deputation to the Committee
- The primary purpose of the scheme is to enable deputees to make a statement to the Committee and not enter into a debate with the committee
- Planning officers should be able to address any issues raised in deputations and the Committee members should be able to question officers
- The scheme should complement and not substitute the statutory consultation scheme

## 5.4 **The Current Deputation Scheme**

5.4.1 The existing emergency scheme "the emergency scheme" was adopted for remote meetings using Skype for Business Broadcast during the Covid 19 pandemic. When designing this scheme, it was decided that written deputations should be the minimum requirement for any scheme allowing deputations at a remote meeting as a majority of third parties would be able to submit a written statement, whereas not everyone had access to the internet.

5.4.2 During testing of Skype for Business Broadcast there were a number of connectivity issues. Therefore, the view was taken that for the early meetings of the Committee, the Committee would only accept written statements. This required the least amount of set up in terms of the technology and minimised the risk of a deputation not being able to be given if an individual's IT failed (there was still a risk of the overall IT failing, but this would apply to the whole meeting).

## 5.5 Concerns raised about the Current Scheme

The following concerns have been raised by members of the public and/or councillors:

- a) third parties should be entitled to address the Committee directly

*Officer Comment: there is no objection in principle to allowing deputees to join a remote meeting provided that a written statement is submitted in advance of the meeting (in case of connection difficulties) and there are restrictions to ensure that those who choose not to speak to the Committee or who are unable to speak directly to the Committee are not disadvantaged*

- b) the Committee should be permitted to ask questions of third parties who join the meeting remotely

*Officer Comment: allowing members of the Committee to ask questions of deputees, would give an unfair advantage to deputees, who join a meeting remotely, compared to those who are unwilling or unable to do so. Furthermore, problems could arise if there are connection difficulties during the questions and answer phase of the meeting*

- c) third parties, who make a deputation should be able to respond to comments made by officers relating to their deputation

*Officer Comment: the purpose of the scheme is to enable third parties to address the Committee and not to debate.*

- d) it is unfair that officers have an advance copy of the deputation



*Officer Comment: the scheme is not intended to spring surprises or new issues before the Committee but to complement the statutory consultation process. The Committee are obliged to consider the professional advice given by its officers prior to making a decision.*

## 5.6 Progress made since the Current Scheme was adopted

- 5.6.1 A pilot scheme has been undertaken by Cabinet, which allowed deputees to join the meeting remotely provided that they submitted a written statement prior to the meeting. This pilot scheme has proven successful and has overcome many of the concerns relating to connectivity.

## 5.7 Options to be considered

5.7.1 The main options<sup>1</sup> are:

No.	Details	For	Against	Viable
1	<p>Continue with existing emergency scheme for deputations at the Development Management Committee (“the emergency scheme”)</p>	<p>The current scheme provides a fair and equal scheme where third parties can readily make a submission to the Committee</p>	<p>Concerns have been raised by third parties that they should be able to address the Committee directly.</p> <p>Concern has also been raised by a ward councillor that deputees should be able to respond to questions from the Committee and in turn be able to respond to the officers’ comments on deputations.</p> <p>Concern has been raised that the current scheme enables the officers to have advanced warning of the content of deputations</p>	
2	<p>Amend the emergency scheme to allow deputees to join the meeting remotely:</p> <ul style="list-style-type: none"> <li>• Deputes do not have to repeat the written submission verbatim</li> <li>• Deputees who join remotely cannot raise new issues or topics, which are not included in their written submission</li> </ul>	<p>This scheme would provide a fair and equitable scheme.</p> <p>All parties would be required to submit a written deputation and enables those, who wish to address the Committee directly to do so.</p>	<p>Does not address expectations that Cllrs can ask questions of deputees and respond to comments made by officers.</p>	

<sup>1</sup> Nb. In some case the options may be combined

	<ul style="list-style-type: none"> <li>• Questions may not be put to the deputees, who join remotely</li> <li>• Deputees will not be able to debate/respond to comments made by Councillors</li> </ul>	<p>The removal of the right to ask questions and respond to officer comments ensures that those who choose to address the Committee do not have an unfair advantage. These restrictions also overcome any problems which might arise if a connection is lost during the answering of a question or responding to a comment.</p> <p>Satisfies the expectations of deputees wishing to address the Committee directly.</p>		
3	Amend the emergency scheme to allow deputations to be made remotely and for members of the Committee to ask the deputees questions to clarify facts and details	Satisfies the expectations of deputees wishing to address the Committee directly.	<p>This scheme would give an unfair advantage to deputees who address the Committee directly.</p> <p>The Committee would have to adjourn the meeting if a connection is lost with the deputee before he or she could answer a question</p>	X
4	Amend the emergency scheme to allow deputations to be made remotely and for deputees to respond to comments made by officer	Satisfies the expectations of deputees wishing to address the Committee directly.	This scheme would give an unfair advantage to deputees who address the Committee directly.	X

			<p>The Committee would have to adjourn the meeting if a connection is lost with the depute before he or she could answer a question</p> <p>The purpose of the deputation scheme is to allow third parties to make submissions for the Committee to consider. The scheme was not intended to be a vehicle for third parties to debate the application.</p>	
5	<p>Amend the emergency scheme to allow deputees to join the meeting remotely but without the requirement for pre-submission of a written statement:</p> <ul style="list-style-type: none"> <li>• Questions may not be put to the deputees, who join remotely</li> <li>• Deputees will not be able to debate/respond to comments made by Councillors</li> </ul>	<p>Satisfies the expectations of deputees wishing to address the Committee directly.</p>	<p>This scheme would give an unfair advantage to third parties who are able to join the meeting remotely.</p> <p>The Committee would have to adjourn the meeting if a connection is lost with the depute</p> <p>Does not satisfy expectations of deputees who may wish to respond to officers' comments</p>	<p><b>X</b></p>

## **6.0 Resource Implications**

### **6.1 Financial Implications**

- 6.1.1 Changes to the depositions scheme may incur additional administration costs which can be accommodated within the existing budget. If a party challenges the Council on the grounds that the adopted scheme is unfair or unreasonable there will be additional legal costs.

Section 151 Officer comments  
Date: [insert date]  
[Section 151 Officer to insert comments here]

### **6.2 Human Resources Implications**

- 6.2.1 Changes to the deputation scheme does not have any human resources implications

### **6.3 Information Governance Implications**

- 6.3.1 Changes to the deputation scheme will not give rise to additional information governance implications

### **6.4 Other resource implications**

There will be a need to increase the officer support to help third parties into Skype for Business Broadcasts

### **6.5 Legal Implications**

- 6.5.1 There is no statutory obligation for the Council to have a deputation scheme. However, as the Council has operated such a scheme for a considerable time there is a legitimate expectation that such a scheme will continue. There is an obligation that the adopted scheme for depositions should be fair and reasonable.

Monitoring Officer comments  
Date: [insert date]  
[Monitoring Officer to insert comments here]

## **7.0 Risks**

- 7.1 The risks identified for each option is set out in Appendix B

## **8.0 Consultation**

8.1 Members of the Development Management Committee received a power point presentation on the proposed changes to the scheme of deputations following the meeting of the Committee held on 20 August 2020. A copy of this presentation has been circulated to all members and standing deputees since this meeting.

## **9.0 Communication**

9.1 The agreed option will take effect immediately. Any changes to the deputations scheme will be published on the Council's website

## **10.0 Appendices**

10.1 Appendix A – Recommended Deputations Scheme  
Appendix B – Risk Register

## **10.0 Background papers**

10.1 None

Agreed and signed off by:

Director of Regeneration and Place

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